



June 25, 1999

Sergeant Martin Birkenfeld  
Amarillo Police Department  
200 Southeast 3<sup>rd</sup> Avenue  
Amarillo Texas 79101-1514

OR99-1765

Dear Sergeant Birkenfeld:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 126845.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108(a)(1) of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." You inform us that report number 99-42360 pertains to a pending case. We therefore believe that the release of the information in report number 99-42360 "would interfere with the detection, investigation, or prosecution of crime." *Id.*

Section 552.108(a)(2) excepts from disclosure information concerning an investigation that concluded in a result other than conviction or deferred adjudication. Based on the information you provided, we understand you to assert that the report number 99-40270 pertains to a case that concluded in a result other than conviction or deferred adjudication. Therefore, we agree that section 552.108(a)(2) is applicable to report number 99-40270.

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, you may withhold report number 99-42360 from disclosure based on section

552.108(a)(1) and report number 99-40270 from disclosure based on section 552.108(a)(2). We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

We are resolving this matter with this informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/nc

Ref.: ID# 126845

Encl. Submitted documents

cc: Mr. Kenneth Ferguson  
6651 Lago Drive  
Amarillo, Texas 79108  
(w/o enclosures)